

# S. 165

IN THE SENATE OF THE UNITED STATES

Mr. WALLOP introduced the following bill; which was read twice and referred to the Committee on the Judiciary

# A BILL

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

SECTION 1. Section 601 of title 5, United States  
Code, is amended—

6 (1) in paragraph (2) by inserting “any rule of  
7 the Internal Revenue Service” before “or any other  
8 law, including”;

9           (2) in paragraph (5) by striking out “and” at  
10       the end thereof;

1           (3) in paragraph (6) by striking out the period  
2           and inserting in lieu thereof a semicolon and “and”;  
3           and

4           (4) by adding at the end thereof the following  
5           new paragraph:

6           “(7) the term ‘impact’ means effects of a pro-  
7           posed or final rule which an agency can anticipate  
8           at the time of publication, and includes those effects  
9           which are directly and indirectly imposed by the pro-  
10          posed or final rule and are beneficial and negative.”.

11           INITIAL REGULATORY FLEXIBILITY ANALYSIS

12          SEC. 2. Section 603 of title 5, United States Code,  
13          is amended—

14               (1) in subsection (a)—

15                   (A) in the first sentence by inserting “as  
16                   defined under section 601(2)” after “any pro-  
17                   posed rule”; and

18                   (B) in the second sentence by striking out  
19                   “the impact” and inserting in lieu thereof “both  
20                   the direct and indirect impacts”;

21               (2) in subsection (b)(3) by striking out “apply”  
22               and inserting in lieu thereof “directly apply and an  
23               estimate of the number of small entities to which the  
24               rule will indirectly apply”; and

1           (3) in subsection (c) in the first sentence by in-  
2       serting before the period “either directly or indi-  
3       rectly effected”.

4           FINAL REGULATORY FLEXIBILITY ANALYSIS

5       SEC. 3. Section 604(a) of title 5, United States Code,  
6       is amended in the first sentence by striking out “under  
7       section 553 of this title, after being required by that sec-  
8       tion or any other law to publish a general notice of pro-  
9       posed rulemaking” and inserting in lieu thereof “as de-  
10      fined under section 610(2)”.

11           JUDICIAL REVIEW

12      SEC. 4. Section 611(b) of title 5, United States Code,  
13      is amended in the second sentence by inserting “or a deci-  
14      sion made by the head of the agency under section  
15      605(b),” after “regulatory flexibility analysis”.

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